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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,209	06/27/2003	David Montague	A8613	5709

7590 06/27/2006

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EXAMINER

HANSEN, COLBY M

ART UNIT PAPER NUMBER

3682

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/607,209

Applicant(s)

MONTAGUE ET AL.

Examiner

Colby Hansen

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 57-62, 64-77, 80, 81 and 83 is/are pending in the application.
- 4a) Of the above claim(s) 59, 61, 62, 67, 75, 76, 80, 81 and 83 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 57, 58, 60, 64-66, 68-74 and 77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01122006</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 57, 58, 60, 63-66, 68-74, 77-78, and 84-87 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen (US Pat. 6,318,741).

Chen (US Pat. 6,318,741) discloses a steering assembly comprising a front fork having an upwardly extending non-folding steering tube 13, a handle bar assembly 31 including a stem having a horizontal member sideably mounted inside said steerer tube, headset bearing coaxial with said steerer tube wherein said steerer tube extends above the headset bearing and rotates relative to the headset bearings (fig. 3 & 4), said steerer tube 13 being slotted 131 to allow for clamping 4 onto said stem said stem has a longitudinal channel and said non-folding steerer tube comprises at least one internal protrusion 42 which fits into said longitudinal channel in the stem and does not allow the stem to rotate.

Claims 57, 58, 60, 63-66, 68-74, 77-78, and 84-87 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 19837972 A1.

DE 19837972 A1 discloses a steering assembly comprising a front fork having an upwardly extending non-folding steering tube 18, a handle bar assembly 46 including a stem having a horizontal member 34 sideably mounted inside said steerer tube, headset bearing coaxial with said steerer tube wherein said steerer tube extends above the headset bearing and rotates relative to the headset bearings (fig. 3), said steerer tube 18 being slotted to allow for clamping 50 onto said stem said stem has a longitudinal channel and said non-folding steerer tube comprises at least one internal protrusion which fits into said longitudinal channel in the stem and does not allow the stem to rotate (fig. 4 & 5).

Claims 57, 58, 60, 63-66, 68-74, 77-78, and 84-87 are rejected under 35 U.S.C. 102(b) as being anticipated by CH 176187.

CH 176187 discloses a steering assembly comprising a front fork having an upwardly extending non-folding steering tube 2, a handle bar assembly 1 including a stem 3 having a horizontal member sideably mounted inside said steerer tube, headset bearing coaxial with said steerer tube wherein said steerer tube extends above the headset bearing and rotates relative to the headset bearings (fig. 5), said steerer tube 2 being slotted to allow for clamping 8 onto said stem said stem has a longitudinal channel and said non-folding steerer tube comprises at least one internal protrusion which fits into said longitudinal channel in the stem and does not allow the stem to rotate (fig. 5).

*Response to Arguments*

Applicant's arguments filed 4/19/2006 have been fully considered but they are not persuasive.

Applicant argues that Chen (US Pat. 6,318,741) fails to disclose a single level clamping device to control axial movement between said stem and said steerer tube, wherein said handlebar assembly is vertically adjustable in height for correct rider position in one position of said clamping device and wherein said steerer tube is fixed on to said stem when said clamping device is in a second position. Examiner disagrees. As broadly recited, the fixturing assembly 4, 41, 42 serves as a “single” level clamping device, and is capable of the vertical adjustment (when folding or when fixtured) as set forth by the applicant; additionally the steerer tube is always fixed *relative* to the stem.

Applicant argues that Chen (US Pat. 6,318,741) fails to disclose that when raised above the steerer tube, disengages the steering of the vehicle by allowing said stem to rotate axially relative to said steerer tube and then fold down said handle bar for storage in a position substantially parallel to the direction of movement of the vehicle. Examiner disagrees, the stem of Chen (US Pat. 6,318,741) does “disengage” from the slot when raised. Additionally, the stem/handlebars are capable of rotation even when in a state of disengagement, making it possible to rotate the assembly relative to the skateboard such that the 21 would be perpendicular to the deck and the handlebars substantially parallel with the longitudinal axis of vehicle. While this would create cumbersome configuration, it does not negate the possible.

Regarding claim 81, the argument is moot given the withdrawn nature of the claim.

***FACSIMILE TRANSMISSION***

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is **(571) 273-8300**. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MEP. 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MEP. 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9306) on \_\_\_\_\_

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(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MEP. 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3682

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colby Hansen whose telephone number is (571) 272-7105. The examiner can normally be reached on Monday through Thursday and every other Friday from 7:30 PM to 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley, can be reached on (571) 272-6917. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Colby M. Hansen

Patent Examiner



6/23/06



RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER